IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mario A. VILLENA, et al.

Application No. 10/536,692   : International Application No.: PCT/US04/28217

Filed: May 27, 2005   : International Application Filing Date: August 31, 2004

For: COMPUTERIZED SYSTEMS FOR FORMATION AND UPDATE OF DATABASES

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131

Commissioner for Patents
Washington, D.C. 20231
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. I, Mario A. Villena, am an inventor in the present application. I also am a manager and technical contributor of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant Application. I have personal knowledge of the work done in accordance with the related projects of HomeKeys.net.

2. The fourteenth (14th) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the publication date of an article entitled "Here's how to calculate home

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value" By Holden Lewis. The article, which was cited by Examiner Naresh Vig of the United States Patent and Trademark Office in an Office Action mailed March 2, 2007, was published in The Sunday Patriot – News (Harrisburg, PA) on page 101.

3. The fourth (4th) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the INITIAL publication date of the article of section 2, which is differently entitled "Determining a home's value." This article was initially published on www.bankrate.com. The article can also be found at http://www.bankrate.com/brm/news/real-estate/20040304a1.asp. The following facts show reduction to practice of the presently claimed methods and systems in the United States of America prior to this publication date.

4. The present United States patent application was drafted in the summer of the year 2004.

5. Attached is a copy of a page provided by William Kennedy, an employee and software developer of HomeKeys, containing a portion of Standard Query Language (SQL) code developed by Mr. Kennedy and Jose A. Villena, another inventor of record. The copy of the SQL code is attached herewith and made part of this Declaration as an Exhibit of record. The SQL code bears one or more dates which have been removed and are not shown on the Exhibit. Each of the dates was prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

6. The SQL code was used as part of a software project of HomeKeys during the

development of the software. As shown in the Exhibit, the SQL code includes a data structure (TABLE PropertyListings) containing a number of data fields. Among these fields (line 36) is a field labeled "AVMPrice", which was used to hold an Automated Valuation Model (AVM) generated estimate for each of a number of real properties documented by the data structure. Accordingly, the Exhibit demonstrates: (1) the existence of a database that includes a respective AVM value for each of a plurality of properties (2) capable of being queried, as is referenced in the independent claims of the present Application.

7. The SQL code identified in the Exhibit was produced in the United States of America.

8. I am aware of the construction and operation of an apparatus and method practicing the features of the independent claims of the present Application, and am also aware of their existence on a date prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

9. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

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10. Further, declarants sayeth naught.

11. WITNESS my signature below in the indicated date.

4-5-07
Date

Mario A. Villena

Exhibits: Copy of Standard Query Language (SQL) code developed by Mr. William Kennedy and Mr. Jose A. Villena.

Attachments: Copy of an article entitled "Determining a home's value" by Holden Lewis.

Exhibit
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```sql
1  /*
2  **          PropertyListings
3  *********************************************************/
4  IF EXISTS (SELECT * FROM sysobjects WHERE type = 'U' AND name = 'PropertyListings')
5     BEGIN
6        PRINT 'Dropping Table PropertyListings'
7        DROP TABLE PropertyListings
8     END
9  GO
10
11 PRINT 'Create Table PropertyListings'
12 CREATE TABLE PropertyListings
13 (
14    SubscriberId            INT             NOT NULL,
15    CountyId                INT             NOT NULL,
16    FolioKey                CHAR(13)        NOT NULL,
17    OwnerName               VARCHAR(35)     NOT NULL,
18    PropertyAddress1        VARCHAR(35)     NULL,
19    PropertyAddress2        VARCHAR(35)     NOT NULL,
20    PropertyCity            VARCHAR(35)     NOT NULL,
21    PropertyZipCode         VARCHAR(10)     NOT NULL,
22    MailingAddress1         VARCHAR(35)     NOT NULL,
23    MailingAddress2         VARCHAR(35)     NULL,
24    MailingCity             VARCHAR(35)     NOT NULL,
25    MailingZipCode          VARCHAR(16)     NOT NULL,
26    PropertyType            VARCHAR(255)    NOT NULL,
27    Bedrooms                INT             NOT NULL,
28    Baths                   INT             NOT NULL,
29    BldgSqftg               INT             NOT NULL,
30    LotSize                 INT             NOT NULL,
31    YearBuilt               INT             NOT NULL,
32    LivingUnits             INT             NOT NULL,
33    Floors                  INT             NOT NULL,
34    ExtraFeatureOptionId    INT             NOT NULL,
35    AskingPrice             MONEY           NOT NULL,
36    AVMPrice                MONEY           NULL,
37    SoldPrice               MONEY           NOT NULL,
38    Advertisment            TEXT            NOT NULL,
39    Image1                  VARCHAR(255)    NULL,
40    Image1Description       TEXT            NULL,
41    Image2                  TEXT            NULL,
42    Image2Description       VARCHAR(255)    NULL,
43    Image3                  VARCHAR(255)    NULL,
44    Image3Description       TEXT            NULL,
45    Image4                  VARCHAR(255)    NULL,
46    Image4Description       TEXT            NULL,
47    Image5                  VARCHAR(255)    NULL,
48    Image5Description       TEXT            NULL,
```

Version History

Version	User	Date	Action
13	Bkennedy	1:39p	Checked in $/HomeExperts/Version 1.2/Hx/Adm...
12	Bkennedy	8:29a	Checked in $/HomeExperts/Version 1.2/Hx/Adm
11	Bkennedy	12:44p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
10	Bkennedy	2:51p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
9	Bkennedy	2:40p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
8	Bkennedy	5:25p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
7	Bkennedy	4:07p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
6	Bkennedy	11:59a	Checked in $/HomeExperts/Version 1.2/Hx/Adm
5	Jvilena	12:00p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
4	Jvilena	8:12p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
3	Jvilena	2:23p	Checked in $/HomeExperts/Version 1.2/Hx/Adm
2	Jvilena	10:40a	Checked in $/HomeExperts/Version 1.2/Hx/Adm
1	Jvilena	2:08p	Created

```
47   DECLARE @MaxBathVariance                    INT
48   DECLARE @MaxBedroomVariance                 INT
49   DECLARE @ThisIsCityOfMiamiTarget            BIT
50   DECLARE @AnmolyTRSForCityOfMiami            VARCHAR(9)
51   DECLARE @NumberOfCityOfMiamiSections        INT
52   DECLARE @CurrentDate                        DATETIME
53   DECLARE @SearchDate                         DATETIME
54   DECLARE @AvgSum                             REAL
55   DECLARE @StdDeviation                       REAL
56   DECLARE @NumberOfPropertiesInFinalResult    INT
57   DECLARE @AveragePricePerSquareFoot          REAL
58   DECLARE @AveragePricePerSqFt                REAL
59   DECLARE @StdDeviation1                      REAL
60   DECLARE @MinPricePerSqFt                    REAL
61   DECLARE @MedianPricePerSqFt                 REAL
62   DECLARE @MaxPricePerSqFt                    REAL
63   DECLARE @AVHPricePerSqFt                    REAL
64   DECLARE @AveragePrice                       REAL
65   DECLARE @MinPrice                           REAL
66   DECLARE @MedianPrice                        REAL
67   DECLARE @MaxPrice                           REAL
68   DECLARE @AVHPrice                           REAL
69   DECLARE @AVHPricePerSqFtTop3                REAL
70   DECLARE @AVHPricePerSqFtRest                REAL
71   DECLARE @NumberOfAVHProperties              INT
72   DECLARE @NumberOfTopThree                   INT
73   DECLARE @NumberOfTheRestOfThem              INT
74
```

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```
229   Beds              INT,
230   Baths             INT,
231   Rating            REAL,
232   Subdivision       VARCHAR(51),
233   YearBuilt         INT,
234   LandValue         INT,
235   BldgValue         INT,
236   TotalValue        INT,
237   Owner             VARCHAR(355),
238   LegalDescription  VARCHAR(355),
239   TRS               VARCHAR(6)
240   )
241
242
243   CREATE TABLE #AVMMetrics
244   AveragePricePerSqFt    REAL    NOT NULL,
245   MinPricePerSqFt        REAL    NOT NULL,
246   MedianPricePerSqFt     REAL    NOT NULL,
247   MaxPricePerSqFt        REAL    NOT NULL,
248   AVMPricePerSqFt        REAL    NOT NULL,
249   AveragePrice           REAL    NOT NULL,
250   MinPrice               REAL    NOT NULL,
251   MedianPrice            REAL    NOT NULL,
252   MaxPrice               REAL    NOT NULL,
253   AVMPrice               REAL    NOT NULL,
254
255
256
257   /* Initialize the TRS table */
258
259   SELECT @TRS
260       = SUBSTRING(@TRSString,@TRSStringDelimiter,6)
261   SELECT @TRSSection
262       = SUBSTRING(@TRSString,(@TRSStringDelimiter + 1),1) + SUBSTRING(@TRSString,(@TRSS...
263   BEGIN
264   WHILE (@TRSCounter <= @TRSNumberOfSections)
265   -- Parse the TRS string and insert into a temp table
266
267
268   -- Is there a city of Miami TRS in this string
269   IF (@TRS = 'No TRS')
270       SELECT @thisIsCityOfMiamiTarget = 0
271   ELSE
272       SELECT
273           @thisIsCityOfMiamiTarget = COUNT(DISTINCT GISSection)
274       FROM
275           TlkpGISGridConversions
276       WHERE
          @TRS = GISSection
```

Exhibit
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```
605  SELECT TOP 10 * INTO #AVM                    FROM #FinalCompResult ORDER BY Rating ASC
606
607  SELECT TOP 3  * INTO #AVMTopThree           FROM #AVM
608  SELECT        * INTO #AVMTheRestOfThem FROM #AVM a WHERE NOT EXISTS (SELECT * FROM #AVMTopThree b WHERE a
609
610  SELECT @NumberOfAVMProperties = COUNT(*) FROM #AVM
611  SELECT @NumberOfTopThree      = COUNT(*) FROM #AVMTopThree
612  SELECT @NumberOfTheRestOfThem = COUNT(*) FROM #AVMTheRestOfThem
613
614  IF (@NumberOfAVMProperties = 0)
615    BEGIN
616      INSERT #AVMMetrics VALUES (0, 0, 0, 0, 0, 0, 0)
617    END
618  ELSE IF (@NumberOfAVMProperties < 6)
619    BEGIN
620      SELECT @AveragePricePerSqFt  = SUM(SalesPricePerFt) / @NumberOfAVMProperties FROM #AVM
621      SELECT @MinPricePerSqFt      = MIN(SalesPricePerFt) FROM #AVM
622
623      CREATE CLUSTERED INDEX 10 on #AVM(SalesPricePerFt)
624
625      IF ((@NumberOfAVMProperties % 2) = 0)
626        BEGIN
627          SELECT @MedianPricePerSqFt = ((((SELECT a.SalesPricePerFt FROM #AVM a, #AVM b GROUP BY a.SalesPri
628            /* left median */ SUM(CASE WHEN b.SalesPricePerFt <= a.SalesPricePerFt THEN 1 E
629            SUM(CASE WHEN b.SalesPricePerFt >= a.SalesPricePerFt THEN 1 ELS
630            (SELECT a.SalesPricePerFt FROM #AVM a, #AVM b GROUP BY a.SalesP
631            /* right median */ SUM(CASE WHEN b.SalesPricePerFt >= a.SalesPricePerFt THEN 1 E
632            SUM(CASE WHEN b.SalesPricePerFt <= a.SalesPricePerFt THEN 1, ELS
633        END
634      ELSE
635        BEGIN
636          SELECT @MedianPricePerSqFt = (SELECT a.SalesPricePerFt FROM #AVM a, #AVM b GROUP BY a.SalesPrice
637            /* left median */ SUM(CASE WHEN b.SalesPricePerFt <= a.SalesPricePerFt THEN 1 ELSE
638            SUM(CASE WHEN b.SalesPricePerFt >= a.SalesPricePerFt THEN 1 ELSE 0
639        END
640
641      SELECT @MaxPricePerSqFt  = MAX(SalesPricePerFt) FROM #AVM
642      SELECT @AveragePrice     = @FolioBldgSqFt * @AveragePricePerSqFt
643      SELECT @MinPrice         = @FolioBldgSqFt * @MinPricePerSqFt
644      SELECT @MedianPrice      = @FolioBldgSqFt * @MedianPricePerSqFt
645      SELECT @MaxPrice         = @FolioBldgSqFt * @MaxPricePerSqFt
646
647      INSERT #AVMMetrics VALUES (@AveragePricePerSqFt, @MinPricePerSqFt, @MedianPricePerSqFt, @MaxPricePerSc
648        0, @AveragePrice, @MinPrice, @MedianPrice, @MaxPrice, 0)
649    END
650  ELSE IF (@NumberOfAVMProperties > 6)
651    BEGIN
```

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Determining a home's value

By Holden Lewis • Bankrate.com

Here's a question that paralyzes homeowners with anxiety: "How much do I ask for my house?"

The flipside of that question -- "How much should I offer?" -- keeps buyers up at night, too.

Figuring out a home's market value takes a lot of science, a little bit of art and a hard head. The science consists of obtaining prices of similar homes in the neighborhood that have been sold recently. The art entails comparing those homes to the one you want to sell or buy -- how they are similar, how they differ, what makes the other homes more or less valuable. The hardheaded part demands putting aside your emotions and arriving at a price that the market will support, regardless of how you feel about the house or how much money has been put into it.

The process is especially vital for people selling their houses without the help of real estate agents. But even if you have hired an agent to sell the house, or if you're buying instead of selling, it's a good idea to estimate your home's value independently, so you can find out if you and the agent see things the same way.

There are two excellent Web sites to start with. Both allow you to look up sale prices of nearby homes. HomeGain's service offers a list of nearby home sales that includes each home's address, price, sale date, number of bedrooms, square footage and approximate year built. Disclosure: Bankrate is a business partner with HomeGain.

A competitor, Home Price Check, offers a shorter list, giving each home's address, month sold and the number of bedrooms and bathrooms. A spot check of four addresses in three states showed that HomeGain offers more data, but Home Price Check's sales data are more recent -- one month newer in Jupiter, Fla., and four years newer in Garden City, N.Y.

"It's a great way to understand the value of real estate because it's the raw data," says Ben Joslin, general manager of Domania Inc., the unit of Lending Tree that operates Home Price Check.

Real estate agents estimate home values by finding comparable houses (called "comps"), too, but not all buyers and sellers use agents. Colby Sambrotto, chief operating officer of

Attachment

ForSaleByOwner.com, a service for people who sell their homes without real estate agents, sends his clients to Home Price Check. It beats going to the county recorder's office and looking at real estate records.

Sale price information helps buyers, too, allowing them to come up with an educated idea of how much to offer. Bob Moulton, president of Americana Mortgage Group Inc., a mortgage brokerage in New York, says he frequently advises buyers to go online and check the recent sales prices of nearby homes, especially when the seller isn't using an agent.

(continued on next page)

-- Posted: March 4, 2004

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